

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN**

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WA.No. 2189 of 2007

(AGAINST THE ORDER IN WPC.24586/2007 DATED 21.08.2007)

APPELLANTS/ RESPONDENTS:

1. THE VICE CHANCELLOR,
MAHATMA GANDHI UNIVERSITY,
PRIYADARSHINI HILLS, KOTTAYAM.

2. MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
PRIYADARSHINI HILLS, KOTTAYAM.

BY ADV. SRI. T.A. SHAJI, SC, M.G.UNIVERSITY

RESPONDENT/ PETITIONER:

ST.JOSEPH'S COLLEGE OF PHYSICAL
EDUCATION, MOOLAMATTAM, ARAKULAM P.O.,
IDUKKI DISTRICT, REPRESENTED BY THE MANAGER
THROUGH POWER OF ATTORNEY HOLDER & DIRECTOR,
FR. THOMAS GEORGE, ST.JOSEPH MONASTERY,
ARAKULAM, IDUKKI DISTRICT.

BY ADV. SRI.GEORGE POONTHOTTAM

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

.....
W.A. No. 2189 OF 2007
.....

Dated this the 18th September , 2007

J U D G M E N T

H.L. Dattu, C.J.:

Challenging the interim order passed by this court in W.P.(C) 24506 of 2007 dated 21.08.2007, the Mahatma Gandhi University/respondents in the Writ Petition are before us this Appeal.

2. Learned counsel appearing for the University would submit that the directions issued by the learned single Judge is contrary to what has been observed by a Division Bench of this court.

3. The learned single Judge has directed the respondents-University to grant only provisional affiliation to the petitioner-College subject to the result of the Writ Petition. The learned single Judge has not done anything more than what we have stated above.

4. In our opinion, in the interest of the University and in the interest of the students, if we modify the orders passed by the learned single Judge to the extent, that, if for any reason, the College admits any students, such admission also would be subject to the result of the Writ Petition and that the students admitted by the College to the course for which provisional affiliation is directed to be granted by this court, would not plead equities at the time of final hearing of the Writ Petition, it would not cause prejudice to any one of the parties. Therefore, we pass the following:

ORDER

i) The University shall grant provisional recognition to the courses, for which affiliation is sought by the petitioner-College.

ii) The affiliation of the petitioner-College is provisional subject to the result of the Writ Petition.

iii) The petitioner-College shall inform the students admitted to the courses that their admission is subject to the final orders that would be passed in the Writ Petition.

iv) I.A.No. 737 of 2007 is also disposed of.

With these observations and directions, the Writ Appeal is disposed of.

**H.L. DATTU,
CHIEF JUSTICE.**

**K.T. SANKARAN,
JUDGE.**

Ik/DK.